

REMARKS/ARGUMENTS

Claims 1, 3-6, 8, 9, 12, 14, 16-22, 24, 26, and 28 remain pending in the present patent application. Claims 1, 3-6, 8, 9, 12, 14, 16-22, 24, 26, and 28 are rejected. Claims 1, 3, and 17 are amended herein. Claim 2 is cancelled herein without prejudice. Claims 7, 10, 11, 13, 15, 23, 25, 27, 29, and 30 were previously cancelled without prejudice. No new matter has been added herein as a result of the amendments.

Amendments to the Claims

Claim 1 has been amended to reflect the following (Claim 17 is similarly amended):

A method of location authentication, the method comprising:
receiving a message from a mobile device wherein the mobile device is coupled with a control unit and a locating device, the message having significance independent of reporting a geographical location of the mobile device and the message having an automatically generated location stamp attached to an overhead portion of the message, the location stamp being a code incorporated within the message, the message comprising the location stamp having been intercepted and if needed converted into a format suitable to being received based on the capabilities of one or more of the following: a receiver receiving the message, the mobile device, a stationary unit, and a network service connection, the format suitable to being received being selected from a group of formats consisting of voice, image, and data signals, the location stamp indicating via the code [[the]] a geographical location of the mobile device as an origin of the message, location information associated with the mobile device other than the origin of the message, and an identity of a sender of the message, the location information selected from a group of location information consisting of longitude and latitude values, geographic information relative to a particular location, descriptive location information, and network information associated with the sender of the message, wherein the automatically generated location stamp is generated by the control unit automatically retrieving information from the locating device and attaching retrieved information in the form of the code to the message, and wherein the attaching is performed by the control unit before the

message is transmitted;

confirming validating [[an]] the identity of [[a]] the sender of the message based on the location stamp; [[and]]

determining whether the ~~geographical location~~ code identified by the location stamp corresponds to [[a]] at least one of the following: a predetermined ~~geographical location of the mobile device as an origin of the message,~~ predetermined location information of the mobile device other than the origin of the message, and a predetermined identity of the sender, wherein the predetermined geographical location, the predetermined location information, and the predetermined identity of the sender is relevant to at least one action identified [[from]] by the message, the at least one action comprising a charge to an account; and

recording the following as proof that the charge to the account was authorized: the geographical location associated with the charge to the account and the location information associated with the charge to the account.

Support for the above amendments can be found in Applicants' specification at least in Figure 1, and on page 4, lines 1-5 and lines 25-27, page 5, lines 24-27, page 6, lines 8-10 and lines 26-31, page 7, lines 1-11, and page 8, lines 7-15.

35 U.S.C. §103(a) Rejections

Claims 1-6, 8, 9, 16-22, 24, and 30

The Office Action mailed October 21, 2008 (hereinafter, "instant Office Action") rejected Claims 1-6, 8, 9, 16-22, 24, and 30 under 35 U.S.C. §103(a) as being unpatentable over Chern, et al. (U.S. Patent No. 6,456,854) (hereinafter, "Chern") in view of Phelan (U.S. Patent No. 6,240,360) (hereinafter, "Phelan"), further in view of Raith (U.S. Patent No. 6,687,504) (hereinafter, "Raith"), and in further view of MacDoran, et al. (U.S. Patent No. 5,757,916) (hereinafter, "MacDoran"). Applicants respectfully point out that Claim 2 is cancelled herein without prejudice, and Claim 30 was previously

cancelled without prejudice. The rejections and comments set forth in the instant Office Action have been carefully considered by the Applicants. Applicants respectfully submit that Claims 1, 3-6, 8, 9, 16-22, and 24 are patentable over Chern, in view of Phelan, further in view of Raith, and yet further in view of MacDoran for at least the following rationale.

Amended Claim 1 (Claim 17 includes similar features) recites:

A method of location authentication, the method comprising:
receiving a message from a mobile device wherein the mobile device is coupled with a control unit and a locating device, the message having significance independent of reporting a geographical location of the mobile device and the message having an automatically generated location stamp attached to an overhead portion of the message, the location stamp being a code incorporated within the message, the message comprising the location stamp having been intercepted and if needed converted into a format suitable to being received based on the capabilities of one or more of the following: a receiver receiving the message, the mobile device, a stationary unit, and a network service connection, the format suitable to being received being selected from a group of formats consisting of voice, image, and data signals, the location stamp indicating via the code a geographical location of the mobile device as an origin of the message, location information associated with the mobile device other than the origin of the message, and an identity of a sender of the message, the location information selected from a group of location information consisting of longitude and latitude values, geographic information relative to a particular location, descriptive location information, and network information associated with the sender of the message, wherein the automatically generated location stamp is generated by the control unit automatically retrieving information from the locating device and attaching retrieved information in the form of the code to the message, and wherein the attaching is performed by the control unit before the message is transmitted;

validating the identity of the sender of the message based on the location stamp;

determining whether the code identified by the location stamp corresponds to at least one of the following: a predetermined geographical location of the mobile device as an origin of the message, predetermined location information of the mobile device other than the origin of the message, and a predetermined identity of the sender, wherein the predetermined geographical location, the

predetermined location information, and the predetermined identity of the sender is relevant to at least one action identified by the message, the at least one action comprising a charge to an account; and

recording the following as proof that the charge to the account was authorized: the geographical location associated with the charge to the account and the location information associated with the charge to the account.

(Emphasis added.)

Applicants respectfully submit that the combination of Chern, Phelan, Raith, and MacDoran does not satisfy the requirements of a *prima facie* case of obviousness because the combination of Chern, Phelan, Raith, and MacDoran as a whole fails to suggest the features of Claims 1, 3-6, 8, 9, 16-22, and 24, as claimed and is therefore not obvious.

“As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries” including “[a]scertaining the differences between the claimed invention and the prior art” (MPEP 2141(II)). “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious” (emphasis in original; MPEP 2141.02(I)).

Moreover, Applicants respectfully note that “[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations. However, Office personnel must explain why the difference(s) between the prior art and the

claimed invention would have been obvious to one of ordinary skill in the art" (emphasis added; MPEP 2141[III]).

Applicants respectfully submit that Chern does not suggest, "recording the following as proof that the charge to the account was authorized": the geographical location associated with the charge to the account and the location information associated with the charge to the account", (emphasis added) as is recited in Applicants' Claim 1. Furthermore, Applicants respectfully submit that the combination of Chern, Phelan, Raith, and MacDoran fails to suggest the features of Applicants' Claim 1 as a whole because neither Phelan, Raith, nor MacDoran, provide a motivation to modify Chern to arrive at the features of Applicants' Claim 1.

Applicants understand Chern to teach "a system and method for locating mobile telephone devices via the Web" in which "[t]he location information may be sent in a text only format or as text with graphics, depending on the display capabilities of the requesting Web browsing device" (Chern, Abstract). Specifically, Applicants respectfully submit that Chern does not suggest, "recording the following as proof that the charge to the account was authorized": the geographical location associated with the charge to the account and the location information associated with the charge to the account", (emphasis added) as is recited in Applicants' Claim 1.

Furthermore, Applicants respectfully assert that Chern remains silent as to, "recording the following as proof that the charge to the account was authorized": the

geographical location associated with the charge to the account and the location information associated with the charge to the account”, (emphasis added) as is recited in Applicants’ Claim 1.

Moreover, Applicants understand Phelan to teach a “computer system for indentifying [sic] local resources” (Phelan, Title). Specifically, Applicants respectfully submit that Phelan does not teach or suggest, “recording the following as proof that the charge to the account was authorized: the geographical location associated with the charge to the account and the location information associated with the charge to the account”, (emphasis added) as is recited in Applicants’ Claim 1. In fact, Applicants respectfully submit that Phelan remains silent as to converting “recording the following as proof that the charge to the account was authorized: the geographical location associated with the charge to the account and the location information associated with the charge to the account”, (emphasis added) as is recited in Applicants’ Claim 1

Additionally, Applicants understand MacDoran to teach a “[m]ethod and apparatus for authenticating the location of remote users of networked computing systems” (MacDoran, Title). Specifically, Applicants respectfully submit that MacDoran does not teach or suggest, “recording the following as proof that the charge to the account was authorized: the geographical location associated with the charge to the account and the location information associated with the charge to the account”, (emphasis added) as is recited in Applicants’ Claim 1. Moreover, Applicants respectfully assert that MacDoran remains silent as to, “recording the following as proof that the charge to the

account was authorized: the geographical location associated with the charge to the account and the location information associated with the charge to the account”, (emphasis added) as is recited in Applicants’ Claim 1.

Furthermore, Applicants understand Raith to teach a “[m]ethod and apparatus for releasing location information of a mobile communications device” (Raith, Title), wherein the following occurs:

[a] recorder 106 records information related to each location information request. For example, the recorder 106 may record the information in a location database 108 (discussed below). The mobile device user may then review the recorded information to ensure that the network management location information requests are proper.

(Emphasis added; Raith, column 3, lines 49-55.)

However, Applicants respectfully assert that Raith does not teach or suggest, “recording the following as proof that the charge to the account was authorized: the geographical location associated with the charge to the account and the location information associated with the charge to the account”, (emphasis added) as is recited in Applicants’ Claim 1. Applicants respectfully submit that recording “information related to each location information request” (Raith, column 3, lines 49-50) wherein the recorded information is used “to ensure that the network management location information requests are proper” (Raith, column 3, lines 51-54) is very different from “recording ... as proof that the charge to the account was authorized” as is recited in Applicants’ Claim 1.

Moreover, Applicants respectfully submit that the instant Office Action fails to explain why the differences between Chern, Phelan, MacDoran, Raith, and Applicants' claimed features would have been obvious to one of ordinary skill in the art, and that Claim 1 as a whole is not obvious over the combination of Chern, Phelan, MacDoran, and Raith.

Thus, in view of the combination of Chern, Phelan, MacDoran, and Raith not satisfying the requirements of a *prima facie* case of obviousness, Applicants respectfully assert that Claim 1 is patentable. Applicants also respectfully assert that Claim 17, that includes similar features to that of Claim 1, is also patentable. Applicants further assert that Claims 3-6, 8, 9, and 16 depending on Claim 1, and Claims 18-22, and 24 depending on Claim 17 are patentable as being dependant upon an allowable base Claim.

Claims 12, 14, 26, and 28

The instant Office Action rejected Claims 12, 14, 26, and 28 under 35 U.S.C. §103(a) as being unpatentable over Chern, in view of Phelan, in further view of Raith, in further view of MacDoran, and in further view of Ray, et al. (U.S. Patent No. 6,067,529) (hereinafter, "Ray"). The rejections and comments set forth in the instant Office Action have been carefully considered by the Applicants. Applicants respectfully submit that Claims 12, 14, 26, and 28 are patentable over Chern, in view of Phelan, in further view of Raith, in further view of MacDoran, and in further view of Ray for at least the following rationale.

Applicants respectfully submit that the combination of Chern, Phelan, Raith, MacDoran, and Ray do not satisfy the requirements of a *prima facie* case of obviousness because the combination of Chern, Phelan, Raith, MacDoran, and Ray as a whole is not obvious.

As presented above, Applicants respectfully submit that the combination of Chern, Phelan, Raith, and MacDoran fail to suggest the features of Applicants' Claim 1 as a whole. Furthermore, Applicants respectfully submit that the combination of Chern, Phelan, MacDoran, Raith, and Ray fails to suggest the features of Applicants' Claim 1 as a whole because Ray does not overcome the shortcomings of Chern, Phelan, MacDoran, and Raith.

The instant Office Action states on page 7, second full paragraph, that:

Ray teaches that when a consumer makes a purchase, the sales terminal can generate a short message along with the detailed purchase information [see Abstract]. A menu can be displayed on the phone and the consumer can select the desired credit card number and request a receipt. The credit card number can be sent along with the transport address or alias address to the sales terminal for authorization of the credit card number [Ray: column 3, lines 52-67, column 4, lines 1-14].

Furthermore, Applicants understand Ray to teach the enablement of "the consumer to be aware of the current balance on their credit card in order to prevent unlimited use of their credit card" (Ray, column 2, lines 48-50).

Applicants respectfully submit that Ray's enablement of consumer awareness as to a credit card balance via a receipt is substantially different from "recording the following as proof that the charge to the account was authorized: the geographical location associated with the charge to the account and the location information associated with the charge to the account", (emphasis added) as is recited in Applicants' Claim 1. Applicants respectfully submit that Ray's purpose of enabling awareness as to a credit card balance is substantially different from Applicants' providing of proof that the charge to the account was authorized by recording the geographical location of the mobile device as the origin of the message and the location information of the mobile device other than the origin of the message.

Additionally, Applicants respectfully submit that the instant Office Action does not explain why the differences described herein between Chern, Phelan, MacDoran, Raith, Ray, and Applicants' claimed features would have been obvious to one of ordinary skill in the art.

Thus, in view of the combination of Chern, Phelan, MacDoran, Raith, and Ray not satisfying the requirements of a *prima facie* case of obviousness, Applicants respectfully assert that Claim 1 is patentable. Applicants also respectfully assert that Claim 17 that includes similar features to that of Claim 1 is also patentable. Applicants further respectfully assert that Claims 12 and 14 depending on Claim 1, and Claims 26 and 28 depending on Claim 17 are patentable as being dependant upon an allowable base Claim.

CONCLUSION

In light of the amendments and remarks presented herein, Applicants respectfully assert that Claims 1, 3-6, 8, 9, 12, 14, 16-22, 24, 26, and 28 overcome the rejections of record. Therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,
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